

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TENNESSEE, WESTERN DIVISION**

Case 04-2395  
FILED 05/19/05 PM 2:07

OLEN M. BAILEY, JR. Individually,  
TERESA W. BAILEY, Individually, THE  
BAILEY LAW FIRM, A Professional  
Corporation; and OLEN M. BAILEY, JR.  
and TERESA W. BAILEY, as Successors  
of UNBORN BAILEY BABY GIRL,

Plaintiffs,

v.

DECK-WHITE STATION TOWER, LLC;  
DECK-WHITE STATION MANAGER,  
LLC; KAUFMAN PROPERTIES, INC.;  
KAUFMAN REALTY GROUP, LLC;  
TRAMMEL CROW COMPANY, P.C.,  
INC.; SANITORS, INC.; and JOHN/JANE  
DOES, Individually

Defendants and Third-Party  
Plaintiffs

v.

D.L. SCHMITZ WATERPROOFING &  
RESTORATION COMPANY, INC., and  
KERMIT B. BUCK & SON, INC.,

Third-Party Defendants.

No.: 04-2395 DP

FILED BY *[Signature]* D.C.  
05 MAY 20 AM 7:12  
ROBERT R. DI TULLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TENNESSEE

**MOTION GRANTED**

DATE: 5-19-2005

*[Signature]*  
**BERNICE BOUIE DONALD  
U.S. DISTRICT JUDGE**

**JOINT MOTION FOR CONTINUANCE  
AND FOR SECOND AMENDED JOINT SCHEDULING ORDER**


Come all plaintiffs and all defendants, by and through counsel, pursuant to the Federal Rules of Civil Procedure and Local Rule 7.4 and hereby jointly move the Court for a continuance of the trial in this matter which is currently set to be heard on December 19, 2005 and further move for the entry of the Second Amended Joint Scheduling Order filed simultaneously herewith.

In support of this Motion, the movants would show the Court as follows:

*66*

1. The Plaintiffs filed their original Complaint on May 27, 2004.
2. The Defendants named in the original Complaint filed their Answer and Third-Party Complaint on July 22, 2004.
3. The Third-Party Defendant D.L. Schmitz Waterproofing & Restoration Co., Inc. was served with process on or about August 23, 2004; the Third-Party Defendant Kermit B. Buck & Son, Inc. was served with process on October 4, 2004.
4. The Plaintiffs filed their First Amended Complaint on October 22, 2004.
5. This case involves claims of personal injury and property damage related to Plaintiffs' alleged exposure to mold.
6. Although some of the parties have engaged in some written discovery, the newly-added parties have not yet engaged in written discovery. Further, no depositions have yet been taken, and the movants are unable to evaluate the case fully and accurately until further discovery, and in particular expert discovery, has been completed.
7. The trial of this matter is estimated to take at least five (5) days.

WHEREFORE, the parties jointly hereby move the Court for entry of an Order continuing the trial of this matter, to commence on a later date by agreement of the parties and further move the Court to enter the Second Amended Joint Scheduling Order filed simultaneously herewith, with the trial date to be re-set by the Court at a later date.

Respectfully submitted this  day of May, 2005.

**LARRY E. PARRISH, P.C.**

Attorney's for Plaintiffs

By:

Larry E. Parrish by [signature]  
Larry E. Parrish, BPR# 8464  
6075 Poplar Avenue, Suite 420  
Memphis, Tennessee 38018

**ALLEN, SUMMERS, SIMPSON, LILLIE & GRESHAM, PLLC**

Attorneys for Defendants and Third Party Plaintiffs Deck-White Station Tower, LLC, Deck-White Station Manager, LLC, Kaufman Properties, Inc., Kaufman Realty Group, LLC

By:

James B. Summers by [signature]  
James B. Summers, BPR #4721  
65 Union Avenue, 9<sup>th</sup> Floor  
Post Office Drawer 3543  
Memphis, Tennessee 38173-0543

**LEWIS, KING, KRIEG & WALDROP, P.C.**

Attorneys for Third Party Defendant Kermit B. Buck & Son, Inc.

By:

Kristi M. Bennett  
David A. Draper, Esq. (BPR #016067)  
Kristi M. Bennett, Esq. (BPR #020633)  
One Centre Square, Fifth Floor  
620 Market Street  
Knoxville, Tennessee 37901

**SPICER, FLYNN & RUDSTROM, PLLC**

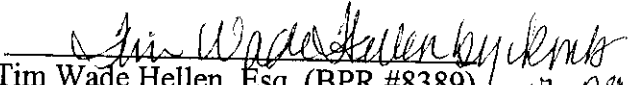
Attorneys for Third Party Defendant D.L. Schmitz Waterproofing & Restoration Company, Inc.

By:

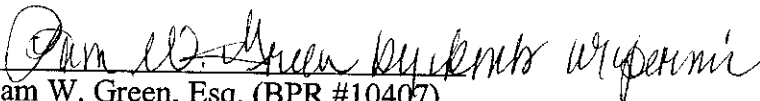
Robert D. Flynn by [signature]  
Robert D. Flynn, Esq. (BPR #7941)  
80 Monroe Avenue, Suite 500  
Memphis, Tennessee 38103-2465

**FARRIS, MATHEWS, BRANAN, BOBANG, HELLEN & DUNLAP, PLC**

Attorneys for Defendant Sanitors, Inc.


By:   
Tim Wade Hellen, Esq. (BPR #8389) *w/hellen*  
One Commerce Square  
Suite 2000  
Memphis, Tennessee 38103

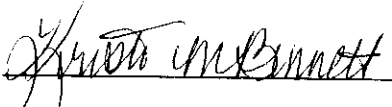
**MCNABB, BRAGORGOS & BURGESS, PLLC**  
Attorneys for Defendant Trammel Crow Company, P.C., Inc.

By:   
Pam W. Green, Esq. (BPR #10407)  
Sixth Floor  
81 Monroe Avenue  
Memphis, Tennessee 38103-5402

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served on all counsel of record by placing postage prepaid envelope in United States Mail Service addressed to them as indicated below their signatures.

This the  day of May, 2005.





## Notice of Distribution

This notice confirms a copy of the document docketed as number 66 in case 2:04-CV-02395 was distributed by fax, mail, or direct printing on May 20, 2005 to the parties listed.

---

Kristi M. Bennett  
LEWIS KING KRIEG & WALLDROP, PC  
620 Market St.  
5th Floor  
P.O. Box 2425  
Knoxville, TN 37901

Garrett M. Estep  
FARRIS MATHEWS BRANAN BOBANGO HELLEN & DUNLAP, PLC  
One Commerce Square  
Ste. 2000  
Memphis, TN 38103

Robert D. Flynn  
SPICER FLYNN & RUDSTROM  
80 Monroe Ave.  
Ste. 500  
Memphis, TN 38103--246

Pam Warnock Green  
MCNABB BRAGORGOS & BURGESS, PLLC  
81 Monroe Ave.  
Sixth Floor  
Memphis, TN 38103--540

David A. Draper  
LEWIS KING KRIEG & WALDROP, PC  
620 Market St.  
5th Floor  
P.O. Box 2425  
Knoxville, TN 37901

Larry E. Parrish  
LAW OFFICES OF LARRY E. PARRISH  
6075 Poplar Avenue  
Ste. 420  
Memphis, TN 38119--476

James B. Summers  
ALLEN SUMMERS SIMPSON LILLIE & GRESHAM, PLLC  
80 Monroe Ave.  
Ste. 650  
Memphis, TN 38103--246

Tim Wade Hellen  
FARRIS MATHEWS BRANAN BOBANGO HELLEN & DUNLAP, PLC  
One Commerce Square  
Ste. 2000  
Memphis, TN 38103

Honorable Bernice Donald  
US DISTRICT COURT